IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 897 OF 2005

Mahadeo Appa Arjun..... ....Petitioner.
V/s
Radhabai Nivrutti Sule & Ors... ....Respondents.

Mr.Machchindra Deshmukh h/f Mr.Milind Deshmukh, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.
17/7/07

PC:

One Appa adoptive father of the appellant had taken the appellant in adoption. Appa had five daughters. The three daughters of Appa after his death filed a suit for partition and separate possession of their share against petitioner. Prior to the filing of the present suit other two daughters had filed suit and the said suit came to be compromised between the appellant and the plaintiff. It appears that as the plaintiffs were not given any share they filed the present suit. The trial Court has dismissed the suit whereas the First Appellate Court allowed the suit for partition only to the extent of one property i.e. Block No.252 which is an ancestral property. In regard to other properties the suit has been dismissed. In block No.252 each plaintiff has been given 1/12th share by effecting notional partition of the property left behind by the father. The present appellant mainly claimed right in respect of entire property on the basis of statement to that effect contained in adoption deed. The First Appellate Court has held that all the self acquired properties of Appa have fallen devolved upon the present appellant. Whereas in the ancestral property 1/12th share has been given to the daughters. Perused the judgment and decree passed by the First Appellate Court. Same does not call for interference. No substantial question of law emerges for adjudication. Hence Second Appeal is summarily dismissed.